

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

KENNETH R. EVANS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-07-3081
	§	
CHRISTOPHER CROWLEY,	§	
	§	
Defendant.	§	

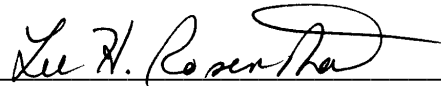
**ORDER**

In this copyright infringement case, the defendants have filed a motion for a more definite statement. (Docket Entry No. 11). The motion complains that in the complaint, the plaintiff, Kenneth R. Evans, alleged that he had a copyright registration for PipingTRAX software but did not provide the copyright number or otherwise provide information about the copyrighted material. The defendants move for an order requiring a more definite statement under Rule 12(e) of the Federal Rules of Civil Procedure. “A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” However, “[t]he class of pleadings that are appropriate subjects for a motion under Rule 12(e) is quite small--the pleading must be sufficiently intelligible for the court to be able to make out one or more potentially viable legal theories on which the claimant might proceed.” 5A CHARLES A. WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1376 (1990).

The pleading is not so vague and unintelligible as to require a more definite statement. *See Arista Records LLC v. Greubel*, 453 F.Supp.2d 962 (N.D. Tex.2006). The initial disclosures required under Rule 26(a)(1) will result in the plaintiff having to produce a copy of or describe the documents that he may use to support his claims or defenses; this will include any copyright registration. And if the plaintiff cannot produce proof of compliance with the statutory requirements, including registering the copyright, a motion for summary judgment will be appropriate.

The motion for more definite statement is denied.

SIGNED on March 3, 2008, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge